



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences**

In re Patent Application of

WALKER, et al.

Atty. Ref.: LSN-36-1832

Serial No. 10/501,771

TC/A.U.: 2621

Filed: July 20, 2004

Examiner: Chikoadili E. Anyikire

For: VIDEO CODING

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March 27, 2009

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY BRIEF**

In response to the Examiner's Answer dated January 27, 2009, Applicant now submits the following Reply Brief pursuant to 37 C.F.R. § 41.41. A Request for Oral Hearing and appropriate fees are submitted concurrently herewith.

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**REMARKS/REPLY-ARGUMENT**

This is in response to the Examiner's Answer dated January 27, 2009. The arguments set forth in the Appeal Brief dated October 22, 2008 are incorporated herein by reference, and Applicant will not repeat the same herein. The following arguments are presented in response to the new arguments presented in the Examiner's Answer and also to further clarify Applicant's previous positions.

The Examiner's response to Applicant's arguments begins at page 8 of the Examiner's Answer -- but it continues to ignore or misrepresent the very fundamental differences between Applicant's claimed invention, and the Yavits reference primarily relied upon in the Final Rejection. Indeed, the Examiner's response still does not recognize that Yavits merely is another example of rapid automatic inter-frame coding for digital moving pictures, whereas the claims further call for capturing and coding still pictures. The mere fact that the coded output signal of the claimed invention might arguably have a similar structure to that disclosed in Yavits is irrelevant to how Applicant's specifically claimed methods, systems, etc., function, and what type of data they are made to function on. To date, the Examiner still has not reconciled the fundamental differences between the selecting and coding of individual still pictures (as in the claimed invention), and the coding of moving pictures (as in Yavits).

In response to Applicant's argument that the claims call for a user request to cause selection of a different frame for input to the encoder/decoder, the Examiner indicates that Yavits discloses a user interface (Fig. 6, 126). The Examiner's observation that

Yavits discloses a user interface is correct -- but it does not address the simple fact that Yavits does not disclose a user interface that is configured to perform the same or even similar functions to those specifically required by the claims. For example, the mere fact that Yavits discloses a user interface scarcely negates the fact that it does not teach generating a first set of data representing the further image by predictively encoding the further image in response to a user request which selects a further one of said still images, wherein the predictive encoding is performed with respect to a decoded version of the first image associated with a previously generated set of data, as explicitly recited in claim 1. As previously pointed out, Yavits at best simply notes that the host interface 126 provides access to the compressed data and is used to provide device 100 with uncompressed digitized video and/or audio and/or user data. Such is a far cry from the specifically claimed features of enabling certain method steps to occur in response to a user request (e.g., that a user request selects a further one still image, etc.).

Page 8 of the Examiner's Answer argues that Yavits discloses applying its system to a Motion JPEG standard, "which you would use when dealing with still images." This assertion is clearly erroneous for several reasons. First, there apparently is some question as to whether the Motion JPEG (or M-JPEG) standard relates to moving images or still images. From a common sense point of view, the "Motion" in "Motion JPEG" presumably means something. Indeed, as is known, M-JPEG format refers to a multimedia format where each video frame or interlaced field of a digital video sequence

is separately compressed as a JPEG image. It should come as no surprise, then, that M-JPEG relates to moving images as opposed to still images.

Second, as previously pointed out, Applicant's claimed invention comes into play after an initial version of a single frame has been sent to a user -- that is, when the same frame is continuously fed as input into the encoder to improve the image progressively. Later, whenever a new still image is requested by the user, the new frame is input into the encoder (regardless of whether the new still image was recorded earlier or later in time), and the new frame is now encoded in relation to the previous progressively enhanced frame selected by the user.

As is known, M-JPEG uses intra-frame coding technology -- but it does not use inter-frame prediction. As indicated above, the claims essentially call for performing predictive encoding of a new frame in relation to a previous progressively enhanced frame selected by a user. The M-JPEG standard is completely unrelated to the claimed invention in this regard, since it operates in a completely different manner on completely different data, i.e., by requiring intra-frame coding and specifically excluding inter-frame coding. Thus, even this much belated citation to the M-JPEG standard fails to make up for the deficiencies of the rest of Yavits.

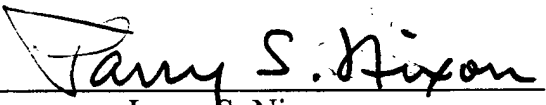
In a nutshell, although Yavits discloses the conventional approach to inter-frame coding for digital moving pictures, the claims call for something completely and fundamentally different. Indeed, the claims essentially call for the capturing and coding still pictures based on a previous progressively enhanced frame selected by a user --

which is unlike anything disclosed in Yavits. Needless to say, it is difficult to find anticipation in the context of prior art that takes a fundamentally different approach to fundamentally different data. Thus, Applicant respectfully requests that the outstanding rejections be reversed.

This entire application is believed to be in condition for allowance, and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

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